

Layn R. Phillips (to be admitted *pro hac vice*)
Bruce A. Wessel (admitted *pro hac vice*)
Melissa R. McCormick (admitted *pro hac vice*)
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
(949) 760-0991

-and-

Shawn Patrick Regan
Thomas G. Slater (to be admitted *pro hac vice*)
HUNTON & WILLIAMS LLP
200 Park Avenue, 52nd Floor
New York, New York 10166-0136
(212) 309-1000

Attorneys for Plaintiff
WILLIAM I. KOCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM I. KOCH, an individual, :

Plaintiff, :

vs. :

ERIC GREENBERG, an individual; ZACHYS
WINE & LIQUOR STORE, INC., a New York
corporation; and ZACHYS WINE AUCTIONS,
INC., a New York corporation, :

Defendants. :

-----X

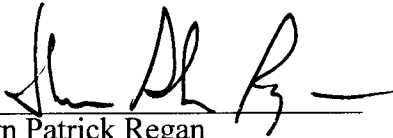
07 CV 9600 (BSJ)(DCF)

NOTICE OF MOTION

FILED
U.S. DISTRICT COURT
2007 NOV 28 PM 4:47
S.D. OF N.Y.

PLEASE TAKE NOTICE that, upon the annexed Declaration of Shawn Patrick Regan, with exhibits, dated November 28, 2007, Plaintiff William I. Koch hereby moves this Court for an order pursuant to Local Civil Rule 1.3 (c) admitting *pro hac vice* Layn R. Phillips to appear as counsel for Plaintiff William I. Koch.

Dated: New York, New York
November 28, 2007

By: 
Shawn Patrick Regan
Thomas G. Slater (to be admitted *pro hac vice*)
Richard Soto
HUNTON & WILLIAMS LLP
200 Park Avenue, 52nd Floor
New York, New York 10166-0136
sregan@hunton.com
(212) 309-1000

-and-

Layn R. Phillips (to be admitted *pro hac vice*)
Bruce A. Wessel (admitted *pro hac vice*)
Melissa R. McCormick (admitted *pro hac vice*)
Jared Gale (to be admitted *pro hac vice*)
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
(949) 760-0991

Attorneys for Plaintiff
WILLIAM I. KOCH

To: Anthony Paul Coles, Esq.
DLA Piper
1251 Avenue of the Americas
New York, New York 10020

Attorneys for Defendant Eric Greenberg

Deborah A. Skakel, Esq.
Lindsay A. Bush, Esq.
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, New York 10036-2714

Attorneys for Defendants
Zachys Wine & Liquor Store, Inc.
Zachys Wine Auction, Inc.

DECLARATION OF SERVICE

Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Plaintiff.

That on November 28, 2007, I served a true copy of the attached Notice of Motion, via First Class Mail on counsel of record at the addresses listed below, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 28, 2007


Bradford C. Mulder

To: Anthony Paul Coles, Esq.
DLA Piper
1251 Avenue of the Americas
New York, New York 10020

Attorneys for Defendant Eric Greenberg

Deborah A. Skakel, Esq.
Lindsay A. Bush, Esq.
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, New York 10036-2714

*Attorneys for Defendants
Zachys Wine & Liquor Store, Inc.
Zachys Wine Auction, Inc.*

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Shawn Patrick Regan
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200 Park Avenue, 52nd Floor
New York, New York 10166-0136
(212) 309-1000

Attorneys for Plaintiff
WILLIAM I. KOCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
WILLIAM I. KOCH, an individual,	:	
	:	
Plaintiff,	:	
	:	07 CV 9600 (BSJ)(DCF)
vs.	:	
	:	
ERIC GREENBERG, an individual; ZACHYS	:	DECLARATION OF SHAWN
WINE & LIQUOR STORE, INC., a New York	:	PATRICK REGAN IN SUPPORT
corporation; and ZACHYS WINE AUCTIONS,	:	OF MOTION FOR
INC., a New York corporation,	:	<u>ADMISSION PRO HAC VICE</u>
	:	
Defendants.	:	
	:	
-----X	:	

Shawn Patrick Regan , pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the bar of this Court and counsel to Plaintiff William I. Koch. I make this Declaration in support of the admission pro hac vice of Layn R. Phillips as an attorney for Plaintiff William I. Koch in the above-captioned action, pursuant to Rule 1.3(c) of the Local Rules of the Southern District of New York.

2. Mr. Phillips is admitted to practice law in the States of California, Oklahoma and Texas, and the District of Columbia. He is a partner in the Newport Beach, California office of the law firm of Irell & Manella LLP located at 840 Newport Center Drive, Suite 400, Newport Beach, California, (949) 760-0991.

3. Attached hereto as Exhibit "A" are Certificates of Good Standing attesting to Mr. Phillips' membership in good standing with the California, Oklahoma, and Texas State Bars, as well as the Bar of the District of Columbia. I am informed that since his admission to the a-fore mentioned Bars, Mr. Phillips has never been reprimanded, nor has he had a grievance, complaint or order of discipline of any kind filed against him in any state or jurisdiction.


4. The New York office of Hunton & Williams LLP and the undersigned will continue to act as counsel of record in this case for purposes of service of papers and otherwise.

5. Granting of this application will not delay the trial of this matter or any proceedings presently pending before the Court, as the case is in its earliest stages and all are fully familiar with the facts herein.

WHEREFORE, Plaintiff William I. Koch respectfully requests that the Court admit Layn R. Phillips to represent Plaintiff William I. Koch for all purposes before this Court in the above-captioned action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 28th day of November, 2007.


Shawn Patrick Regan



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

November 8, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, LAYN RAYMOND PHILLIPS, #103854 was admitted to the practice of law in this state by the Supreme Court of California on July 13, 1982; that from the date of admission to August 5, 1985, he was an ACTIVE member of the State Bar of California; that on August 5, 1985, he was suspended from the practice of law in California by order of the Supreme Court for nonpayment of State Bar membership fees; that said suspension remained in effect to July 11, 1986 upon which last mentioned date he was reinstated by the Supreme Court upon payment of all delinquent State Bar fees and penalties; that from that date to January 1, 1987, he was an ACTIVE member of the State Bar of California; that on January 1, 1987, he transferred at his request to the INACTIVE status; that from that date to June 22, 1987, he was an INACTIVE member of the State Bar of California; that on June 22, 1987, he became a judge of a court of record; that from that date to June 23, 1991, he was a judge of a court of record, and during his incumbency as such judge was not a member of the State Bar pursuant to the provisions of Section 6002, State Bar Act; that on June 23, 1991, he was returned to the INACTIVE status; that from that date to July 1, 1991, he was an INACTIVE member of the State Bar of California; that on July 1, 1991, he transferred at his request to the ACTIVE status; that he has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA


Kath Lambert

Custodian of Membership Records



OKLAHOMA BAR ASSOCIATION

1901 North Lincoln Boulevard • P.O. Box 53036 • Oklahoma City, OK 73152-3036 • (405) / 416-7007
Website: www.okbar.org FAX (405) / 416-7003

DAN MURDOCK
General Counsel

JANIS HUBBARD
First Asst. General Counsel

LORAIN D. FARABOW
Asst. General Counsel

JANNA D. HALL
Asst. General Counsel

ROBERT D. HANKS
Senior Investigator

RAY PAGE
Investigator

SHARON ORTH
Investigator

DOROTHY WALOS
Investigator

CERTIFICATE

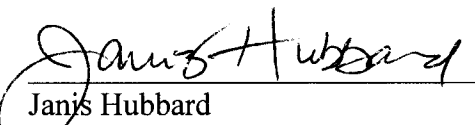
STATE OF OKLAHOMA)

COUNTY OF OKLAHOMA)

Janis Hubbard, being duly sworn, deposes and says:

That she is the First Assistant General Counsel of the Oklahoma Bar Association, under the Rules Creating and Controlling the Oklahoma Bar Association as adopted and promulgated by the Supreme Court of the State of Oklahoma, and as such has access to the records and files showing the date of admission and the standing of all attorneys admitted to practice by the Supreme Court.

That LAYN RAYMOND PHILLIPS, OBA #7124, was admitted to the practice of law by the Supreme Court of Oklahoma on September 30, 1977, and is an active member in good standing of the Oklahoma Bar Association.


Janis Hubbard
First Assistant General Counsel

Subscribed and sworn to before me this 14th day of November, 2007.

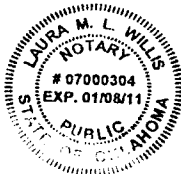

NOTARY PUBLIC

My Commission Expires:

January 08, 2011

Commission Number:

07000304





District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

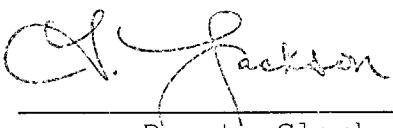
LAYN RAYMOND PHILLIPS

was on the 5TH day of NOVEMBER, 1978

duly qualified and admitted as an attorney and counselor. This attorney is, on the date indicated below, voluntarily registered as an inactive member in good standing of the District of Columbia Bar and, therefore, is not currently eligible to practice law in the District of Columbia.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on November 14, 2007.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk

STATE BAR OF TEXAS



Office of The Chief Disciplinary Counsel

November 15, 2007

RE: **Mr. Layn R. Phillips**
State Bar Number - **15937757**

To Whom it May Concern:

This is to certify that Mr. Layn R. Phillips was licensed to practice law in Texas on September 13, 1991 and is an inactive member in good standing with the State Bar of Texas.

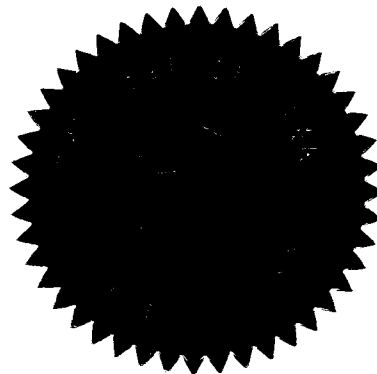
Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.



John A. Neal
Chief Disciplinary Counsel

JN/dh



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
WILLIAM I. KOCH, an individual,	:
	:
Plaintiff,	:
	:
vs.	:
	:
ERIC GREENBERG, an individual; ZACHYS	:
WINE & LIQUOR STORE, INC., a New York	:
corporation; and ZACHYS WINE AUCTIONS,	:
INC., a New York corporation,	:
	:
Defendants.	:
	:
-----X	

06 CV 9600 (BSJ)(DCF)

**ORDER FOR ADMISSION
PRO HAC VICE**

Upon the motion of Shawn Patrick Regan, attorney for Plaintiff William I. Koch, and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED THAT

Layn R. Phillips
Irell & Manella LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
(949) 760-0991
(949) 760-5289
lphillips@irell.com

is admitted to practice pro hac vice as counsel for Plaintiff William I. Koch in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

SO ORDERED.

U.S.D.J.

Dated: New York, New York
_____, 2007